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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

19 August 1982

MEMORANDUM

SUBJECT: The Lebanese Constitution and the Electoral Process

The constitution is vague concerning procedures for the presidential election. Article 49 states that "the President of the Republic shall be elected by the Chamber of Deputies by secret ballot and by a two-thirds majority of the votes. After the first ballot, an absolute majority will be sufficient." It is generally accepted that this means two-thirds of the present membership, and not simply two-thirds of those present.

The constitution does not address specifically the question of how many deputies must be present to establish a quorum when electing a president. In practice, however, two-thirds of the Chamber has come to be accepted as constituting an electoral quorum.

What happens once the Chamber of Deputies is convened?

Speaker Kamal al-Assad is expected to convene the Chamber by Monday to satisfy the constitutional guideline that the body begin the electoral process no later than one month before the expiration of the incumbent's term--in this case, September 23. Under article 34 of the constitution, the Chamber can be legally convened if a majority of its members are present. We believe, however, that the Speaker may be able, on his own authority, to designate additional dates for the Chamber to meet after the 23 August deadline. The Speaker might be able to continue this process even beyond the expiration of President Sarkis' term.

Extending Sarkis' Term

If a new president is not elected before Sarkis' term expires, political leaders might consider extending his term. This would require amending, by a two-thirds vote in the Chamber, Article 49 of the constitution which limits the presidential term to six years.

If Phalange leader Bashir Jumayyil has 50 firm votes, as he claims, he should be in a position to block such an amendment. He is likely to support an extension only if he recognizes that he cannot overcome opposition to his candidacy and is otherwise faced with the election of another candidate

to a full six year term. In that case, he would probably support a short extension of Sarkis' term in order to gain time to strengthen his own bid to replace him.

Other Alternatives

If there is no agreement on a new president by 23 September, the constitution provides for the Council of Ministers to take over the executive functions temporarily under the leadership of the Prime Minister. Under such circumstances, the Prime Minister is required to call for elections as soon as possible.

Sarkis could instead, however, dismiss the government, name a new prime minister, and resign prior to 23 September. Under these circumstances, he might name a Maronite as prime minister in order to have a Christian as "Head of State." There is a precedent for this-- in 1952 President Khoury resigned and named General Shihab, the Maronite Army Commander, as Prime Minister.

If a Quorum is Convened

If a quorum is convened, by whatever means, Jumayyil is likely to be elected on the second ballot. He is probably not yet prepared to resort to strongarm tactics to gather a quorum this early in the electoral process, however, since such a move would undermine his attempts to gain Muslim support. He would prefer to be elected by constitutional means and by as many votes as he can muster through political bargaining.

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